

Jonathan Vaughan and
Catherine his Wife } Appellants.

Robert Thurston Respondent

The Respondent's CASE.

THE Appellant Catherine was Relict and Executrix of one John Thurston, who dyed indebted to the Respondent 100 l. Money lent, and after her Marriage --- with the Appellant Vaughan (he being a Person given to Law) they both joyned together to defraud all the Creditors which occasioned several Suits at Law.

The Respondent amongst the rest brought his Action at Law for the 100 l. but to avoid a Tryal the Appellants exhibited their Bill in Chancery grounded on Five several Equities, and then got an Injunction to stay the Respondent at Law ---- The Respondent attempted several times to dissolve the Injunction, but not being able to prevail in that, exhibited his Bill against the Appellants, to discover Assets of the Appellant Katherines Testator, and She by Answer denied her having any Assets at all.

Nov. 7. 1699. Both Causes were heard by the late Lord Chancellor Sommers, and a general Direction given for an account of Assets of the Appellants Testator, and the Master was directed to state a Matter, specially touching a demand of 15 l. which was charged, that the Respondent acknowledged to have received of one Cook in part of his Debt of 100 l. and as to all other Demands the Bill was dismissed, and Costs were reserved till the Account was taken, and in that Direction the Appellants now acquiesce.

Febr. 8. 1699. The Master certified Assets sufficient remaining to satisfy the Respondents Debt (after all allowances made) and likewise certified that the Respondent to avoid Commissions and Examinations agreed to discount the 15 l. out of his Debt ---- But to this Report the Appellants took 10 several Exceptions to about Fifty Items of the Account.

July 15. 1700. The Lord Keeper heard the Exceptions, and Eight of them were over-ruled, and as to Two Exceptions only it was sent back to the Master on Peril of Costs. But the Appellants could not prevail there though Two several Commissions were executed, and several Witnesses examined on both sides, then another Report made, then the Appellants to be yet a little more vexatious, procured strange Council to sign a Petition for rehearing the Exceptions (when it was refused by the Council in the Cause) and the Lord Keeper was pleased to indulge the Appellants therein (which is rarely done) and the Exceptions were reheard, and on the rehearing the former Order confirmed, and several Orders since made, and after all the struggling, shifting, and delaying that could be invented, the Decree at last is Signed and Inrolled, and after all Assets sufficient to pay the Respondents Debt, and thereupon

Nov. 13. last. The Lord Keeper on hearing Council on both sides, order'd that the Appellants should pay the Respondent Costs of both Suits, to be taxed by Sir Robert Legard, but not for any Examination touching the 15 l. And that Order again confirmed on hearing Council on both sides: and the Respondent hopes since he hath recovered his Debt with so great difficulty he is well entituled to his Costs, and where Assets are denied, and Assets proved, Costs always follow, otherwise the Respondent will loose above 200 l. by recovering his Just Debt.

N^o The Defence that the Appellants have made in this Case is very extraordinary. The Answer of the Appellant Catherine is falsified beyond all contradiction. To avoid a Discovery of Assets she hath sworn in her Answer, that her Testator kept no Book, and yet it is proved by 3 Witnesses that she kept the very Book in her own Custody. She hath also sworn that she paid away more Assets of her Husband than she ever received, but therein she is also falsified, there being Assets found and settled against her, upon hearing and rehearing. It is also proved, that as soon as her Husband was dead, she secretly removed away by Night the best of all his Household Goods, and they could never be heard of, and also took to all his ready Money, and put it out at Interest in her own Name, and enjoined the Obligers with secrecie till after the Inventory was taken. By this means the Appellants have defrauded several of the Creditors, and have been so very vexatious, that they brought a Writ of Error in the Kings Bench to reverse a Judgment for 3 s. obtained by one of the Testators Creditors in an Inferior Court.

The Respondent is 85 Years old, and hath been several Years harassed in these Suits for a small Debt, but at last the Costs are taxed, and the Injunction dissolved: But to avoid Judgment and Execution now at last, a very unusual Appeal, for that there is no Complaint of the Order on hearing, but of a subsequent Order made on a re-hearing of Exceptions, and the Complaint is general without assigning any particular Error, so that what the Appellants seem to require by their Appeal is, to have an Account taken over again, consisting of above 100 Items, at the Bar which hath been 2 Years taking by a Master in Chancery. That the Appeal (as the Respondent is advised) is altogether vexatious brought without any ground or foundation.

And therefore he humbly hopes the same shall be dismissed with Costs.

C. COXE.

The Respondents C A S F

1. The first thing I noticed when I stepped out of the car was the smell of the sea. It was a salty, bracing smell that I had never experienced before. The air was cool and crisp, a stark contrast to the humid, stifling heat of the city I had just left. I took a deep breath, savoring the scent. The sun was shining brightly, casting a warm glow over the scene. The water was a deep, vibrant blue, and the white foam of the waves crashing against the shore was a beautiful sight. I felt a sense of peace and tranquility wash over me. It was as if all my worries and stresses had been left behind in the car. I looked down at my feet, which were clad in simple sandals. The sand beneath them felt soft and grainy. I took a few steps, feeling the sand shift under my feet. The sound of the waves crashing against the shore was a constant, soothing rhythm. I closed my eyes and let myself be carried away by the sound. The world around me seemed to fade away, leaving only the sea and the sun. It was a moment of pure bliss, a moment where I felt truly alive. I opened my eyes and looked out at the horizon. The sun was a bright, glowing orb, and the sea stretched out before me as far as the eye could see. I felt a sense of awe and wonder. This was something I had never experienced before. I had heard that the beach was beautiful, but I had never seen it with my own eyes. It was truly a sight to behold. I turned and looked back at the car. It was just a small, ordinary car, but it felt like it was the key to a new world. I took a deep breath and smiled. I was here. I was finally here. I turned and walked away from the car, towards the water. The sand was soft and warm, and the sun was shining brightly. I felt a sense of peace and tranquility wash over me. It was as if all my worries and stresses had been left behind in the car. I looked down at my feet, which were clad in simple sandals. The sand beneath them felt soft and grainy. I took a few steps, feeling the sand shift under my feet. The sound of the waves crashing against the shore was a constant, soothing rhythm. I closed my eyes and let myself be carried away by the sound. The world around me seemed to fade away, leaving only the sea and the sun. It was a moment of pure bliss, a moment where I felt truly alive. I opened my eyes and looked out at the horizon. The sun was a bright, glowing orb, and the sea stretched out before me as far as the eye could see. I felt a sense of awe and wonder. This was something I had never experienced before. I had heard that the beach was beautiful, but I had never seen it with my own eyes. It was truly a sight to behold. I turned and looked back at the car. It was just a small, ordinary car, but it felt like it was the key to a new world. I took a deep breath and smiled. I was here. I was finally here.

to his God, and while Allah is denied, and Allah's power is followed, otherwise the

The Respondents CASE.

Vaughan & Ux. Appellants

AGAINST

Thurston Respondent.

To be Heard on *Monday* the
25th of *February*.

207